

JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 MELANIE L. PROCTOR (CSBN 228971)
 Melanie.Proctor@usdoj.gov
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-6730
 FAX: (415) 436-7169

Attorneys for Respondents

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JAVIER VILLALVAZO MUNDO,)	No. C 08-2663 JL
)	
Petitioner,)	
)	
v.)	JOINT MOTION TO RESCHEDULE
)	MOTION HEARING AND CONTINUE
UNITED STATES DEPARTMENT OF)	CASE MANAGEMENT CONFERENCE
HOMELAND SECURITY; et al.,)	
)	
Respondents.)	

On May 28, 2008, the Court issued a scheduling order, setting a Case Management Conference on September 3, 2008. Respondents were served on June 2, 2008. On July 31, 2008, Respondents filed a motion to dismiss this action, noticed for September 24, 2008. The Court has continued the motion hearing to October 29, 2008, at 9:30 a.m. Respondents' counsel has a previously scheduled hearing in San Jose on that date.

Accordingly, the parties hereby move the Court to reschedule the motion to November 5, 2008. Moreover, in order to promote efficiency, the parties hereby stipulate, subject to the Court's approval, to stay the CMC pending the Court's ruling on Respondents' Motion to Dismiss.

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Alternatively, the parties respectfully suggest continuing the Case Management Conference to November 5, 2008, to be heard following the hearing on the Motion to Dismiss.

Dated: August 14, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Respondents

Dated: August 14, 2008

/s/
ALEXANDER H. LUBARSKY
Attorney for Petitioner

PROPOSED ORDER

Pursuant to stipulation, IT IS SO ORDERED. The hearing on Respondents' Motion is hereby rescheduled for Wednesday, November 5, 2008, at 9:30 a.m. The Case Management Conference is hereby STAYED pending a decision on Respondents' Motion to Dismiss.

Dated:

JAMES LARSEN
United States Magistrate Judge

ALTERNATIVE ~~PROPOSED~~ ORDER XXXXXXXX

Pursuant to stipulation, IT IS SO ORDERED. The hearing on Respondents' Motion is hereby rescheduled for Wednesday, November 5, 2008, at 9:30 a.m. The Case Management Conference is hereby continued to November 5, 2008, to be held following Respondents' Motion to Dismiss. The parties shall file a Joint Case Management Statement no later than October 29, 2008.

Dated: August 18, 2008


JAMES LARSEN
United States Magistrate Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.